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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,648	10/25/2001	Paul M. Sand	1759.17238-FOR	6512

26308 7590 10/24/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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10192005

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached Notice of Non-Responsive Amendment

Charles E. Cooley  
Primary Examiner  
Art Unit: 1723

***Non-Responsive RCE Amendment***

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 13 OCT 2005. The submission, however, is not fully responsive to the prior Office action because the cancellation of all claims drawn to the apparatus previously claimed and the presentation of an independent and distinct method claim is not proper via the filing of an RCE. Per MPEP 706.07(h)(VI):

(B) Presentation of claims for different invention - Applicants cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (i.e., applicant cannot switch inventions). See 37 CFR 1.145. If an RCE is filed with an amendment canceling all claims drawn to the elected invention and presenting only claims drawn to a nonelected invention, the RCE should be treated as a proper RCE but the amendment should not be entered. The amendment is not fully responsive and applicant should be given a time period of one month or thirty days (whichever is longer) to submit a complete reply.

	Continued prosecution application (CPA) under 37 CFR 1.53(d)	URAA transitional practice under 37 CFR 1.129(a)	Request for continued examination (RCE) under 37 CFR 1.114
10	Applicants may file a continuation or divisional CPA, but not a CIP CPA	Applicants may not switch inventions (divisional equivalent) as a matter of right or add new matter (CIP equivalent)	Applicants may not switch inventions (divisional equivalent) as a matter of right or add new matter (CIP equivalent)



Art Unit: 1723

2. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.



Charles E. Cooley  
Primary Examiner  
Art Unit 1723

19 October 2005